

NEWS FROM ED MARKEY

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Markey Releases Response on NRC Website Shutdown

Still Concerned About Public Access to Regulatory Information

Washington, DC: Congressman Edward J. Markey (D-MA) a senior Member of the House Energy and Commerce and Homeland Security Committees, today released a December 3 2004 response to his October 29, 2004 letter to Nuclear Regulatory Commission (NRC) Chairman Nils Diaz regarding the NRC decision to temporarily suspend access to its public ADAMS database.

“I continue to be concerned that the nuclear industry is often given unfettered and possibly even inappropriate access to the inner workings of NRC proceedings, while the public is often unnecessarily barred,” said Rep. Markey. “I will continue to insist that the public be allowed to participate in Commission proceedings, and that the deadlines for participating be extended as long as there is no public access to relevant documents.”

In October, 2004 the NRC decided to temporarily suspend access to its ADAMS database in order to ensure that no documents it contained could assist terrorists in carrying out attacks on nuclear facilities or using materials that could be used to construct a homemade nuclear weapon or dirty bomb. While Rep. Markey fully supports efforts to ensure that terrorists cannot use documents found on ADAMS to materially assist them in carrying out attacks, he also sought to ensure that efforts to secure the ADAMS website do not unnecessarily bar or restrict the public from fully participating in the Commission’s ongoing regulatory activities. He has also long been concerned that the NRC has allowed the nuclear industry to participate fully in its proceedings, while preventing independent experts and other stakeholders from doing so (see, for example, http://www.house.gov/markey/Issues/iss_nuclear_ltr021209.pdf and http://www.house.gov/markey/Issues/iss_nuclear_ltr040311.pdf).

The NRC response indicated the following:

- While the response states that access to some documents needed by those seeking to participate in ongoing Commission proceedings would be granted on a case-by-case basis, Rep. Markey’s office has learned from an individual who attempted to determine which documents he would be allowed access to that this was not the case. For example, the Commission has posted Federal Register notices about public comment periods on its website, but the documents cited in these notices were unavailable, as were all other documents one would need to review to intervene in a case.
- The NRC denied Rep. Markey’s request that all non-essential Commission proceedings be suspended until the public could access relevant documents, but stated that some extensions to specific proceedings might be warranted.
- The Commission has restored some classes of documents to the ADAMS database, including documents related to the licensing of the Yucca Mountain repository, reactor proceedings, and two materials proceedings.
- The response inaccurately stated that the Commission had suspended access to its website on September 13, 2001. In fact, the Commission didn’t take this step until early October 2001.

For a copy of the correspondence please see www.house.gov/markey.